

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

INNOVATIVE SPORTS
MANAGEMENT, INC. *d/b/a*
INTEGRATED SPORTS MEDIA,

Plaintiff,

v.

1:23-CV-1144-RP

TRAMPSPORTS, LLC and
MICHAEL BRANDON MCBRIDE,

Defendants.

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Susan Hightower concerning Plaintiff Innovative Sports Management, Inc. *d/b/a* Integrated Sports Media’s (“Plaintiff”) Motion for Default Judgment, (Dkt. 15). (R. & R., Dkt. 16). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Hightower issued her report and recommendation on August 5, 2024. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge’s proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 16), is **ADOPTED**.

Plaintiff's Motion for Default Judgment, (Dkt. 15), is **GRANTED IN PART** and **DENIED IN PART**.

Plaintiff is entitled to recover from Defendants Trampsports, LLC and Michael Brandon McBride *d/b/a* Mr. Tramps, Mister Tramps Sports Bar, and Mister Tramps Sports Pub & Café the following:

- (1) \$2,400 in statutory damages under 47 U.S.C. § 605(e)(3)(C)(i)(II);
- (2) \$7,200 in additional damages under 47 U.S.C. § 605(e)(3)(C)(ii);
- (3) \$2,400 in attorneys' fees under 47 U.S.C. § 605(e)(3)(B)(iii);
- (4) post-judgment interest at the rate set by 28 U.S.C. § 1961(a); and
- (5) costs under 28 U.S.C. § 1920 if Plaintiff submits evidence of any qualifying costs within two weeks of the date of this order.

Plaintiff's request for contingent appellate attorneys' fees is **DENIED WITHOUT PREJUDICE**.

The Court will enter final judgment by separate order.

SIGNED on August 21, 2024.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE